



06-23-04

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/801,906
	Filing Date	March 16, 2004
	First Named Inventor	Melkent et al.
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	5074A-000010/DVB

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Fourteen (14) page Form PTO-1449</b>
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	<b>15 Foreign Patent Documents 47 Other Documents</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>  The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Reg. No.
		Richard W. Warner	38,043
Signature			
Date	June 21, 2004		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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Signature		Date	June 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

EV 533 148 966 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/801,906  
Filing Date: March 16, 2004  
Applicant: Melkent et al.  
Group Art Unit:  
Examiner:  
Title: MULTIPLE CANNULA IMAGE GUIDED TOOL FOR IMAGE  
GUIDED PROCEDURES  
Attorney Docket: 5074A-000010/DVB

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. ☐ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☒ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☒ Other:

Japanese Reference JP 2765738 appears to disclose a catheter that may be positioned relative to a selected site to produce a signal to create a data set.

German Reference DE 3831278 has U.S. equivalent of U.S. Patent No. 4,923,459.

German Reference DE 3042343 appears to disclose a system operable to receive a signal regarding a point in space.

European Reference EP 0 581 704 has a U.S. equivalent of U.S. Patent No. 5,447,154.

France Reference No. 2417970 has a U.S. equivalent of U.S. Patent No. 4,418,422.

German Reference No. DE 10085137 has a U.S. equivalent of U.S. Patent No. 6,499,488.

An English Abstract is provided for Other Documents reference No. 31.

An English Abstract is provided for Other Documents reference No. 34.

An English translation is provided for Other Documents reference No. 40.

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ☒ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

**B. ☐ 37 C.F.R. § 1.97(c): (check only one box)**

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ☐ See the certification below. No fee is required.

**C. ☐ 37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

**VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)**

The undersigned hereby certifies that:

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VI. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above identified fee.

B. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.


The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

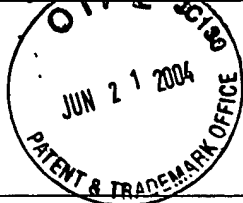
Respectfully submitted,

Dated: June 21, 2004

By:   
Richard W. Warner  
Reg. No. 38,043

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
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RWW/MLT/lkj



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 14

ATTORNEY DOCKET No.

SERIAL No.

5074A-000010/DVB

10/801,906

APPLICANT

Meikent et al.

FILING DATE

GROUP

March 16, 2004

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		Re. 35,025	8/1995	Anderton		
2.		1,576,781	03/1926	Phillips		
3.		1,735,726	11/1929	Bornhardt		
4.		2,697,433	12/1954	Sehnder		
5.		3,016,899	01/1962	Stenvall		
6.		3,017,887	01/1962	Heyer		
7.		3,061,936	11/1962	Dobbeleer		
8.		3,073,310	01/1963	Mocarski		
9.		3,294,083	12/1966	Alderson		
10.		3,367,326	02/1968	Frazier		
11.		3,439,256	04/15/1969	Kähne et al.		
12.		3,577,160	05/1971	White		
13.		4,052,620	10/1977	Brunnett		
14.		4,117,337	09/26/1978	Staats		
15.		4,262,306	04/14/1981	Renner		
16.		4,287,809	09/08/1981	Egli et al.		
17.		4,328,813	05/1982	Ray		
18.		4,358,856	11/09/1982	Stivender et al.		
19.		4,368,536	01/1983	Pfeiler		
20.		4,396,885	08/02/1983	Constant		
21.		4,403,321	09/1983	DiMarco		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 2 of 14	ATTORNEY DOCKET NO.	SERIAL NO.
	5074A-000010/DVB	10/801,906
	APPLICANT	
	Melkent et al.	
	FILING DATE	GROUP
	March 16, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,543,959	10/01/1985	Sepponen		
23.		4,548,208	10/22/1985	Niemi		
24.		4,584,577	04/22/1986	Temple		
25.		4,645,343	02/1987	Stockdale et al.		
26.		4,706,665	11/17/1987	Gouda		
27.		4,719,419	01/12/1988	Dawley		
28.		4,727,565	02/23/1988	Ericson		
29.		4,737,921	04/12/1988	Goldwasser et al.		
30.		4,771,787	09/20/1988	Wurster et al.		
31.		4,793,355	12/1988	Crum et al.		
32.		4,797,907	01/1989	Anderton		
33.		4,821,206	04/11/1989	Arora		
34.		4,845,771	07/1989	Wislocki et al.		
35.		4,862,893	09/05/1989	Martinelli		
36.		4,889,526	12/26/1989	Rauscher et al.		
37.		4,923,459	05/1990	Nambu		
38.		4,931,056	06/1990	Ghajar et al.		
39.		4,951,653	08/1990	Fry et al.		
40.		4,977,655	12/18/1990	Martinelli		
41.		5,002,058	03/26/1991	Martinelli		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 3 of 14	ATTORNEY DOCKET No.	SERIAL No.
	5074A-000010/DVB	10/801,906
	APPLICANT	
	Melkent et al.	
	FILING DATE	GROUP
	March 16, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,027,818	07/02/1991	Bova et al.		
43.		5,030,196	07/09/1991	Inoue		
44.		5,050,608	09/24/1991	Watanabe et al.		
45.		5,057,095	10/15/1991	Fabian		
46.		5,079,699	01/07/1992	Tuy et al.		
47.		5,105,829	04/21/1992	Fabian et al.		
48.		5,107,839	04/28/1992	Houdek et al.		
49.		5,107,843	04/1992	Aarnio, et al.		
50.		5,107,862	04/28/1992	Fabian et al		
51.		5,109,194	04/28/1992	Cantaloube		
52.		5,152,288	10/06/1992	Hoenig et al.		
53.		5,187,475	02/16/1993	Wagener et al.		
54.		5,188,126	02/23/1993	Fabian et al		
55.		5,190,059	03/02/1993	Fabian et al		
56.		5,197,476	03/30/1993	Nowacki et al.		
57.		5,197,965	03/1993	Cherry et al.		
58.		5,198,768	03/30/1993	Keren		
59.		5,211,176	05/1993	Ishiguro et al.		
60.		5,212,720	05/1993	Landi et al.		
61.		5,219,351	06/1993	Teubner et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 4 of 14	ATTORNEY DOCKET NO.	SERIAL NO.
	5074A-000010/DVB	10/801,906
	APPLICANT	
	Melkent et al.	
	FILING DATE	GROUP
	March 16, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		5,228,442	07/20/1993	Imran		
63.		5,233,990	08/1993	Barnea		
64.		5,237,996	08/24/1993	Waldman et al.		
65.		5,265,611	11/30/1993	Hoenig et al.		
66.		5,269,759	12/14/1993	Hernandez et al.		
67.		5,291,199	03/01/1994	Overman et al.		
68.		5,297,549	03/29/1994	Beatty et al.		
69.		5,305,091	04/1994	Gelbart et al.		
70.		5,320,111	06/1994	Livingston		
71.		5,325,728	07/05/1994	Zimmerman et al.		
72.		5,329,944	07/19/1994	Fabian et al.		
73.		5,333,168	07/1994	Fernandes et al.		
74.		5,353,800	10/11/1994	Pohndorf et al.		
75.		5,383,454	01/24/1995	Bucholz		
76.		5,385,146	01/31/1995	Goldreyer		
77.		5,385,148	01/31/1995	Lesh et al.		
78.		5,394,457	02/1995	Leibinger et al.		
79.		5,399,146	03/21/1995	Nowacki et al.		
80.		5,400,384	03/1995	Fernandes et al.		
81.		5,417,210	05/23/1995	Funda et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 5 of 14	ATTORNEY DOCKET NO.	SERIAL NO.
	5074A-000010/DVB	10/801,906
	APPLICANT	
	Melkent et al.	
	FILING DATE	GROUP
	March 16, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		5,423,334	06/13/1995	Jordan		
83.		5,427,097	06/1995	Depp		
84.		5,433,198	07/18/1995	Desai		
85.		5,444,756	08/1995	Pai et al.		
86.		5,445,166	08/29/1995	Taylor		
87.		5,447,154	09/05/1995	Cinquin et al.		
88.		5,448,610	09/1995	Yamamoto et al.		
89.		5,458,718	10/17/1995	Venkitachalam		
90.		5,464,446	11/1995	Dreessen et al.		
91.		5,485,849	01/23/1996	Panescu et al.		
92.		5,487,391	01/30/1996	Panescu		
93.		5,487,729	01/30/1996	Avellanet et al.		
94.		5,487,757	01/30/1996	Truckai et al.		
95.		5,490,196	02/06/1996	Rudich et al.		
96.		5,503,416	04/1996	Aoki et al.		
97.		5,542,938	08/06/1996	Avellanet et al.		
98.		5,543,951	08/06/1996	Moehrmann		
99.		5,546,940	08/20/1996	Panescu et al.		
100.		5,546,949	08/20/1996	Frazin et al.		
101.		5,573,533	11/12/1996	Strul		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 6 of 14

ATTORNEY DOCKET NO.

5074A-000010/DVB

SERIAL NO.

10/801,906

APPLICANT

Melkent et al.

FILING DATE

March 16, 2004

GROUP

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
102.		5,575,794	11/1996	Walus et al.		
103.		5,595,193	01/1997	Walus et al.		
104.		5,596,228	01/1997	Anderton et al.		
105.		5,619,261	04/1997	Anderton		
106.		5,628,315	05/13/1997	Vilsmeier et al.		
107.		5,636,644	06/10/1997	Hart et al		
108.		5,643,268	07/01/1997	Vilsmeier et al.		
109.		5,664,001	09/1997	Tachibana et al.		
110.		5,674,296	10/07/1997	Bryan et al.		
111.		5,690,108	11/1997	Chakeres		
112.		5,702,406	12/30/1997	Vilsmeier et al.		
113.		5,711,299	01/27/1998	Manwaring et al.		
114.		5,715,836	02/10/1998	Kliegis et al.		
115.		5,730,130	03/1998	Fitzpatrick et al.		
116.		5,735,278	04/07/1998	Hoult et al.		
117.		5,738,096	04/14/1998	Ben-Haim		
118.		5,741,214	04/21/1998	Ouchi et al.		
119.		5,769,789	06/23/1998	Wang et al.		
120.		5,775,322	07/07/1998	Silverstein et al		
121.		5,799,099	08/1998	Wang et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 7 of 14	ATTORNEY DOCKET No.	SERIAL No.
	5074A-000010/DVB	10/801,906
	APPLICANT	
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